

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

SERENITY POINT RECOVERY, INC., A
FOREVER RECOVERY, BEHAVIORAL
REHABILITATION SERVICES, BEST DRUG
REHABILITATION,

Plaintiffs,

v.

BLUE CROSS BLUE SHIELD OF
MICHIGAN,

Defendant.

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Case No. 1:19-cv-00620
Hon. Janet T. Neff

ORAL ARGUMENT REQUESTED

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**BLUE CROSS BLUE SHIELD OF MICHIGAN’S
MOTION TO DISMISS FOR LACK OF STANDING PURSUANT TO FEDERAL
RULES OF CIVIL PROCEDURE 12(b)(1) AND 12(b)(6)**

Pursuant to the Court’s Order dated January 13, 2020 (Dkt. 21), Defendant Blue Cross Blue Shield of Michigan (“BCBSM”) moves under Federal Rules of Civil Procedure 12(b)(1)

and 12(b)(6) to dismiss the Complaint (Dkt. 1) for Plaintiffs' lack of ERISA standing. BCBSM respectfully requests that the Court grant this Motion for the reasons set forth in the accompanying brief.

BCBSM satisfied Local Rule 7.1(d) before filing this Motion by submitting a Request for Pre-Motion Conference (Dkt. 8) and participating in a Pre-Motion Conference held before the Court on November 15, 2019 (Dkt. 16).

Dated: February 24, 2020

Respectfully submitted,

/s/ Rebecca D'Arcy O'Reilly
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